

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1077

Introduced by Assembly Member Chan

February 22, 2005

An act to add Section 49452.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, Chan. Pupil health.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require pupils enrolled in a public school to present proof of having received, while in kindergarten, grade 2, and grade 6, an oral health assessment by a ~~dentist or dental hygienist~~ *licensed dentist or other licensed or registered dental health professional* before May 15 of the respective school year. This bill would allow a school to withhold a pupil's report card if he or she fails to present proof of an assessment by the specified date until one of several

specified conditions occurs, including, among others, the filing of a written statement by the parent or guardian of a pupil that he or she does not want his or her child to receive an assessment. This bill would require all public schools, after receiving completed assessments, and by June 30 of each year, to send a report, as specified, to the public health department of the county in which the school is located.

By requiring public schools to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Oral health is integral to overall health.
- 4 (b) Tooth decay is the most common chronic childhood
- 5 disease, experienced by more than two-thirds of California's
- 6 children and five times more common than asthma.
- 7 (c) California's schoolchildren, ages 6 to 8, inclusive,
- 8 experience oral disease at twice the rate of schoolchildren in
- 9 other states.
- 10 (d) Oral diseases are infectious, are not self-limiting,
- 11 contribute to many lost school hours, negatively impact learning,
- 12 interfere with eating, contribute to poor self-esteem, and can
- 13 cause considerable pain.
- 14 (e) Tooth decay is preventable.
- 15 SEC. 2. Section 49452.7 is added to the Education Code, to
- 16 read:
- 17 49452.7. (a) A pupil attending a public school shall present
- 18 proof of having received, while in kindergarten, grade 2, and

1 grade 6, an oral health assessment by a ~~dentist or dental hygienist~~
2 *licensed dentist or other licensed or registered dental health*
3 *professional operating within his or her scope of practice* before
4 May 15 of each school year.

5 (b) If a pupil fails to present proof of an assessment by May 15
6 of each respective school year, the school may withhold his or
7 her report card until one of the following occurs:

8 (1) Proof of a completed assessment for the pupil is presented
9 to the school.

10 (2) The parent or guardian of the pupil provides a written
11 statement that he or she cannot obtain an assessment because of
12 undue financial burden or lack of access to a ~~dentist or hygienist~~
13 *licensed dentist or other licensed or registered dental health*
14 *professional*.

15 (3) The parent or guardian of the pupil provides a written
16 statement to the school that he or she does not want his or her
17 child to receive an assessment.

18 (c) All public schools shall notify the parents or guardians of
19 pupils enrolled in kindergarten, grade 2, and grade 6 concerning
20 the assessment requirement at the beginning of each school year.
21 The notification shall include a standardized form, consistent
22 with an appropriate oral health assessment form developed by the
23 Association of State and Territorial Dental Directors, that can be
24 used by the ~~dentist or dental hygienist~~ *licensed dentist or other*
25 *licensed or registered dental health professional* performing the
26 assessment, in order to ensure uniform data collection.

27 (d) Upon receiving completed assessments, all public schools
28 shall, by June 30 of each year, submit a report to the public
29 health department of the county in which the school is located.
30 The report shall include all of the following:

31 (1) The total number of pupils in the school enrolled in
32 kindergarten, grade 2, and grade 6.

33 (2) The total number of pupils described in paragraph (1) who
34 present proof of an assessment.

35 (3) The total number of pupils described in paragraph (1) who
36 could not complete an assessment due to financial burden.

37 (4) The total number of pupils described in paragraph (1) who
38 could not complete an assessment due to lack of access to a
39 ~~dentist or dental hygienist~~ *licensed dentist or other licensed or*
40 *registered dental health professional*.

1 (5) The total number of pupils described in paragraph (1) who
2 could not complete an assessment because their parents or
3 guardians provided a written statement to the school that they did
4 not want their child to receive an assessment.

5 (e) Nothing in this section shall be construed as prohibiting
6 county public health departments from sharing aggregate data
7 collected pursuant to this section with other government
8 agencies, philanthropic organizations, or other nonprofit
9 organizations for the purpose of data analysis.

10 SEC. 4. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.